

29751. Canned green beans. (F.D.C. No. 50066. S. No. 85-015 A.)

QUANTITY: 295 cases, each containing 24 14½-oz. (or 15-oz.) cans, at Siloam Springs, Ark.

SHIPPED: 3-3-64, from Detroit, Mich. This was a return shipment.

LABEL IN PART: (Can) "The Allens Cut Green Beans * * * Allen Canning Company Packers & Distributors, Siloam Springs, Arkansas."

LIBELED: 4-29-64, W. Dist. Ark.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned cut green beans prescribed by regulations, since there were more than 8 percent by count of blemished units in the article, and its label failed to bear in such manner and form as such regulations specify, a statement that it fell below such standard.

DISPOSITION: 6-17-64. Default—delivered to a charitable organization.

29752. Canned green beans. (F.D.C. No. 49853. S. No. 6-423 A.)

QUANTITY: 584 cases, each containing 24 1-lb. 12-oz. cans, at Martinsville, Va.

SHIPPED: 8-16-62, from Baltimore, Md., by H. J. McGrath Co.

LABEL IN PART: (Can) "Saint Elmo Brand Cut Green Beans * * * Distributed by Lakewood Food Products Co. Baltimore, Md."

LIBELED: 3-30-64, W. Dist. Va.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quantity for canned cut green beans prescribed by regulations, since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

DISPOSITION: 7-23-64. Consent—claimed by Smith Wholesale, Inc., Martinsville, Va., for relabeling.

29753. Pickled cherry peppers. (F.D.C. No. 50388. S. No. 12-720 A.)

QUANTITY: 32 cases, each containing 12 unlabeled 1-qt. jars, at Providence, R.I.

SHIPPED: 3-27-64, from Swansea, Mass., by Star Pickling Corp.

LIBELED: 7-16-64, Dist. R.I.

CHARGE: 402(a)(3)—contained insect parts, insect larvae, and maggots when shipped.

DISPOSITION: 8-31-64. Default—destruction.

29754. Sliced green peppers. (F.D.C. No. 50151. S. No. 13-216 A.)

QUANTITY: 241 cases, each containing 12 unlabeled 1-qt. jars, at Providence, R.I.

SHIPPED: 4-3-64, from Swansea, Mass., by Star Picking Corp.

LIBELED: 6-5-64, Dist. R.I.

CHARGE: 402(a)(3)—contained insects and insect fragments when shipped.

DISPOSITION: 7-16-64. Default—destruction.

29755. Sweet wax peppers. (F.D.C. No. 50034. S. No. 60-552 A.)

QUANTITY: 518 1-pt. jars at Sun Valley, Calif.

SHIPPED: On unknown date, from New Iberia, La., by Bruce's Foods Co.

LABEL IN PART: (Jar) "Gourmet's Delight Sweet Wax Peppers * * * Distributed by Gourmet's Delight Los Angeles 31, Calif."

RESULTS OF INVESTIGATION: The article had been shipped as above in 8-oz. jars and subsequently repacked at Los Angeles.

LIBELED: 3-30-64, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments, insect parts, and insect pupae when shipped.

DISPOSITION: 4-29-64. Default—destruction.

29756. Sweet banana peppers and hot banana peppers. (F.D.C. No. 49807. S. Nos. 50-940-A, 51-141/2 A.)

QUANTITY: 40 cases, each containing 12 1-pt. jars, and 31 cases, each containing 12 1-qt. jars of hot banana peppers; and 29 cases, each containing 12 1-qt. jars of sweet banana peppers, at Bedford Heights, Ohio.

SHIPPED: 1-9-64 and 1-31-64, from Bridgeport, Mich., by Crown Foods, Inc.

LABEL IN PART: (Jar) "Seaway Hot [or "Sweet"] Banana Peppers Contains Peppers, Distilled Vinegar, Salt, Spices, Alum, Tumeric and 'Polysorbate 80' Distributed by Seaway Foods, Inc., Cleveland Ohio."

RESULTS OF INVESTIGATION: The articles consisted of yellow and/or red peppers in a yellow liquid which contained the color additive FD&C Yellow No. 5.

LIBELED: 2-20-64, N. Dist. Ohio.

CHARGE: 403(k)—when shipped, the article contained artificial coloring, namely, FD&C Yellow No. 5, and its label failed to state this fact.

DISPOSITION: 3-26-64. Default—ordered delivered to charitable institutions.

29757. Sauerkraut. (F.D.C. No. 50258. S. No. 68-706 A.)

QUANTITY: 600 1-lb. 12-oz. Pliofilm bags at Minneapolis, Minn.

SHIPPED: 6-16-64, from Waterloo, Wis., by J. G. Van Holten & Son, Inc.

LABEL IN PART: (Bag) "Noon Hour Brand * * * Kraut * * * Distributed by Noon Hour Food Products Chicago 6, Ill."

LIBELED: 7-17-64, Dist. Minn.

CHARGE: 402(a)(3)—contained insects, insect fragments, and maggots when shipped.

DISPOSITION: 8-31-64. Default—destruction.

29758. Dehydrated potato flakes. (F.D.C. No. 48809. S. No. 32-935 V.)

QUANTITY: 213 cases, each containing 24 7-oz. pkgs., at Los Angeles, Calif., and 139 cases, each containing 24 7-oz. pkgs., at San Fernando, Calif.

SHIPPED: Between 11-20-62 and 3-4-63, from Barnesville, Minn., by Gateway Flakes, Inc.

LABEL IN PART: (Pkg.) "Gateway Farms Instant Whipped Potato Flakes 12 Big Servings 7 Ounces Net Weight * * * 2 Foil Fresh Envelopes—6 Servings in each * * * One envelope serves 6: Double Recipe to serve 12 * * * Make ½ cup according to single serving recipe * * * Gateway Flakes, Inc., Plant, Barnesville, Minnesota"; (envelopes inside pkg.) "3½ Oz. Net. Gateway Farms Instant Whipped Potato Flakes Directions: * * * One Envelope serves 5 Double Recipe to serve 10 * * * Gateway Farms Inc. Barnesville, Minn. Sales Office, Minneapolis, Minn."

LIBELED: 3-14-63, S. Dist. Calif.; libel amended on or about 3-20-64.